



**Federal Communications Commission
Washington, D.C. 20554**

March 8, 2023

**MEDIA BUREAU
AUDIO DIVISION**
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/media/radio/audio-division

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In re: KXQQ-FM, Henderson, NV
Facility ID No. 12560
Audacy License, LLC
BMLH-20140122ABE

KPKK(FM), Amargosa Valley, NV
Facility ID No. 87834
Sky Media, L.L.C.
File No. 0000101376

Order to Show Cause

Dear Licensee:

In accordance with procedures adopted by the Commission, this letter constitutes notification to Audacy License, LLC (“Audacy”) of the filing of a minor change construction permit application (File No. 0000101376), as amended February 8, 2023, by Sky Media, L.L.C. (“Sky”), licensee of FM Station KPKK(FM), Amargosa Valley, NV (Facility ID No. 87384). Sky’s application proposes that KXQQ’s license and assignment be modified to specify Class C0 in lieu of Class C pursuant to Note 4 of 47 C.F.R. § 73.3573.¹

The staff has tentatively concluded that the Sky application, as amended, meets the requirements of § 73.3573, Note 4 and is otherwise acceptable for filing.² Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission’s Rules, Audacy Licensee, LLC, licensee of FM Station KXQQ-

¹ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules, Second Report and Order in MM Docket No. 98-93, FCC 00-368 15 FCC Rcd 21649 (2000).

² In order to be considered in compliance with Note 4, the triggering application must: 1) be short-spaced to the Class C station, but be fully spaced if it were a Class C0; 2) include a certification that no alternative channel is available at the proposed location without any other changes to the table of allotments; and 3) be served on the licensee of the affected Class C station.

FM, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify Channel 263C0 in lieu of Channel 263C.

Audacy may, not later than 30 days from the date of this letter, file a written statement to express its intention to seek authority to modify Station KXQQ's technical facilities to attain minimum Class C HAAT; or, alternatively, as provided for by Note 4 cited above, otherwise challenge the triggering application. If Audacy chooses to seek authority to modify KXQQ's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT must be on file with the Commission 180 days subsequent to the show cause response due date. Failure to file a construction permit application within this time period will result in the automatic downgrade of KXQQ's licensed facilities.³ Furthermore, Audacy must serve Sky with copies of any FAA submissions related to its efforts to modify the KXQQ facility.

Further action will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Failure to respond to this letter will result in the automatic downgrade of KXQQ's license pursuant to Note 4 of § 73.3573.

Sincerely,

/s/

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Lerman Senter PLLC (via email)
Shainis & Peltzman, Chartered (via email)
Mr. Kevin Fitzgerald (via email)

³ Failure to build pursuant to the subsequently authorized construction permit will also result in the automatic downgrade of KXQQ's licensed facilities.